

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

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GERMANY

STOSCH, JEHLE
BOSCH, GRAPTON STOSCH JEHLE
ker PATENTANWALTSGESellschaft mbH
Eingegangen: Received

02. März 2005

FRIST:

VORFRIST:

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

01.05.2005
24.04.05- AA.19
01.04.05

(PCT Rule 44.1)

Date of mailing
(day/month/year)

01/03/2005

Applicant's or agent's file reference

AS01P001WO

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.

PCT/EP2004/009362

International filing date
(day/month/year)

20/08/2004

Applicant

ACCENTURE GLOBAL SERVICES GMBH

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
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Authorized officer

Ainhoa Barrio Baranano

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference AS01P001WO	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/EP2004/009362	International filing date (day/month/year) 20/08/2004	(Earliest) Priority Date (day/month/year) 20/08/2003
Applicant ACCENTURE GLOBAL SERVICES GMBH		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☒ **Unity of invention is lacking** (see Box III).

4. With regard to the title,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

METHODS AND SYSTEMS FOR PROVIDING INFORMATION TO MOBILE USERS OVER LIMITED BANDWIDTH

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the **drawings** to be published with the abstract is Figure No. 7

☐ as suggested by the applicant.

☒ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP2004/009362

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☒ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-9

A mobile terminal for performing reception, decoding and display of a coded message.

2. claims: 10-24

A mobile-terminal client application for allowing users to specify their preferences regarding delivery of desired information, generating and sending a coded message to the service provider. A corresponding method for the service provider for receiving the coded message and sending a message with the desired information to the mobile terminal.

3. claims: 25,26

A method for advertising for sale a number of information messages, receiving payment from a user, updating a database with the number of prepaid messages and sending messages to the user terminal until the paid-for number of messages is exhausted.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/009362

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 H04Q7/22 H04M3/493 H04M1/247 H04M17/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 H04Q H04M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 262 931 A (SIEMENS AG) 4 December 2002 (2002-12-04) column 2, line 26 - column 4, line 22 column 6, lines 16-33 column 9, line 13 - column 11, line 31 claims 1,18; figures 1,2	1-3,5,8, 9
X	EP 1 039 768 A (SAMSUNG ELECTRONICS CO LTD) 27 September 2000 (2000-09-27) column 6, lines 9-20 column 8, line 26 - column 9, line 58 column 14, line 13 - column 15, line 5 claim 9; figures 3,7	1,4,5,8, 9



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

20 January 2005

Date of filing of the international search report

01.03.05

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Kanlis, A

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/009362

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01/03456 A (IFX SCANDINAVIA APS ;KROELL BO (GB)) 11 January 2001 (2001-01-11) page 4, lines 1-9 page 6, line 13 - page 9, line 31 page 12, line 27 - page 13, line 4 claims 1,6; figure 2	1,5-9
X	----- WO 01/72001 A (JONES BARRY ;MAGIC4 LTD (GB)) 27 September 2001 (2001-09-27) page 2, lines 7-20 page 4, line 25 - page 5, line 15 page 6, line 19 - page 8, line 27 page 9, lines 26-29 page 11, line 1 - page 14, line 6 page 17, line 23 - page 19, line 20 page 21, lines 17-20 claims 1,2,5,14; figures 2,3,5,9	10-20, 22,24
Y	-----	23
X	GB 2 376 841 A (NEWS OMNIMEDIA LTD) 24 December 2002 (2002-12-24) page 8, line 3 - page 12, line 19 claims 9,10,16-18	19-21
Y A	-----	25,26 10-18
X	US 6 125 281 A (HUBER ROLF ET AL) 26 September 2000 (2000-09-26) column 6, lines 53-67 column 13, line 24 - column 14, line 30 column 15, line 41 - column 16, line 55 claims 3,24	19,22,24
A	-----	10-15, 20,21
Y	WO 01/63883 A (TELECOMM SYSTEMS INC) 30 August 2001 (2001-08-30) page 4, line 20 - page 11, line 8 figures 1-4	23,25,26
A	-----	10-24
A	GB 2 382 267 A (MICRONICS TELESYSTEMS LTD) 21 May 2003 (2003-05-21) page 2, line 19 - page 8, line 31 claims 1-5	
A	-----	10-24
	WO 97/41654 A (MCLORINAN ANDREW GEORGE ;TSOUKAS GEORGE JAMES (AU); ERICSSON TELEF) 6 November 1997 (1997-11-06) page 5, line 23 - page 7, line 31 page 10, line 6 - page 14, line 19	

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/009362

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 1262931	A	04-12-2002	EP 1262931 A1	04-12-2002
EP 1039768	A	27-09-2000	KR 2000060815 A CN 1283938 A EP 1039768 A2	16-10-2000 14-02-2001 27-09-2000
WO 0103456	A	11-01-2001	AU 5673700 A WO 0103456 A1 EP 1192824 A1 NO 20016421 A	22-01-2001 11-01-2001 03-04-2002 06-02-2002
WO 0172001	A	27-09-2001	AU 4092001 A AU 4092201 A WO 0172038 A2 WO 0172001 A2 WO 0172062 A1 TW 563364 B US 2002003882 A1	03-10-2001 03-10-2001 27-09-2001 27-09-2001 27-09-2001 21-11-2003 10-01-2002
GB 2376841	A	24-12-2002	NONE	
US 6125281	A	26-09-2000	AU 6214998 A WO 9834422 A2 EP 0956719 A2 JP 2001509981 T US 6078820 A	25-08-1998 06-08-1998 17-11-1999 24-07-2001 20-06-2000
WO 0163883	A	30-08-2001	AU 3983101 A AU 4322501 A EP 1266321 A2 WO 0163897 A1 WO 0163883 A2 US 2002029189 A1	03-09-2001 03-09-2001 18-12-2002 30-08-2001 30-08-2001 07-03-2002
GB 2382267	A	21-05-2003	NONE	
WO 9741654	A	06-11-1997	AU 2375097 A WO 9741654 A1 CA 2225727 A1 EP 0864211 A1	19-11-1997 06-11-1997 06-11-1997 16-09-1998

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/009362

International filing date (day/month/year)
20.08.2004

Priority date (day/month/year)
20.08.2003

International Patent Classification (IPC) or both national classification and IPC
H04Q7/22, H04M3/493, H04M1/247, H04M17/00

Applicant
ACCENTURE GLOBAL SERVICES GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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10/567447

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2004/009362

IAP20 Rec'd PCT/PTO 07 FEB 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/009362

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☒ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
 - ☐ the parts relating to claims Nos.

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4,5,9-18,20,21,23,25,26
	No: Claims	1-3,6-8,19,22,24
Inventive step (IS)	Yes: Claims	
	No: Claims	1-26
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/009362

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/009362

Re Item IV

1. The separate inventions/groups of inventions are:

Claims 1-9:

Mobile terminal for performing reception, decoding and display of a coded message.

Claims 10-24:

Mobile-terminal client application for allowing users to specify their preferences regarding delivery of desired information, generating and sending a coded message to the service provider. A corresponding method for the service provider for receiving the coded message and sending a message with the desired information to the mobile terminal.

Claims 25 and 26:

Method for advertising for sale a number of information messages, receiving payment from a user, updating a database with the number of prepaid messages and sending messages to the user terminal until the paid-for number of messages is exhausted.

These groups are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The only feature shared as same or corresponding feature by all groups of claims, as set out in the independent claims, is the reception or transmission of coded short messages by a mobile terminal. This feature is already known from normal GSM terminals that send/receive SMS messages, wherein, in order to be transmitted over the wireless channel, the messages need to be suitably coded. Therefore, this feature does not represent any contribution to the prior art and thus it cannot be considered a "special technical feature" for the purpose of Rule 13.2 PCT.

The remaining features, being a priori considered as special technical features according to Rule 13.2 PCT, are the following:

Claims 1-9:

Loading a client application, decoding and displaying the coded SMS message. These features solve the objectively determined problem of presenting the contents of a coded message in a more easily comprehensible format.

Claims 10-24:

Querying about desired mode, displaying a plurality of menus for identifying the desired information and generating a message based on the selections. Retrieving and sending the desired information.

These features solve the objectively determined problem of enabling users to specify their preferences with respect to desired information and delivering the desired information to the users.

Claims 25 and 26:

Advertising a number of messages, receiving payment, updating a database and sending the paid number of messages.

These features solve the objectively determined problem of administering the billing of messages sent to a mobile device.

It is, therefore, evident that these special technical features are not the same or corresponding; that is, they have different technical effects and relate to different technical problems.

In conclusion, the above-mentioned groups of claims are not linked by common or corresponding special technical features and define three different inventions not linked by a single general inventive concept.

The application, hence, does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

Re Item V

2. The following documents are referred to in this communication:

D1: EP 1262931 A
D2: EP 1039768 A
D3: WO 01/03456 A
D4: WO 01/72001 A
D5: GB 2376841 A
D6: US 6125281 A
D7: WO 01/63883 A
D8: GB 2382267 A

3. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-26 is not new in the sense of Article 33(2) PCT and/or does not involve an inventive step in the sense of Article 33(3) PCT.
- 3.1 Independent **claim 1** does not define any features that differentiate the claimed mobile terminal from a normal mobile telephone capable of receiving SMS messages. Indeed, any GSM terminal comprises a display, an input system, a wireless communications subsystem, a processor and memory, wherein an appropriate program for processing SMS messages is loaded for receiving a SMS message and displaying it to the user. Furthermore, in order to be transmitted, the SMS messages have been "coded" into binary strings and subsequently "decoded" by the terminal.

However, even if the expression "coded short text messaging service message" were taken to correspond to "compressed information", in accordance with page 9, paragraph [39] of the description of the current application, the subject-matter of claim 1 would be anticipated by documents D1 and D3 and rendered obvious by document D2, as explained below.

Document D1 discloses (the references in parenthesis applying to this document) a mobile terminal (see figure 1, reference sign 100 and figure 2, reference sign 200), comprising a display screen (see figure 2, reference sign 220), an input system for receiving user input (see figure 1, reference sign 102 and figure 2, reference sign 222), a wireless communications subsystem (see figure 2, reference sign 216 and column 10, lines 41 and 42), a processor (see figure 1, reference sign 104) and memory (see column 9, lines 51-57) for storing computer executable instructions for causing the mobile terminal to perform the steps of:

- loading a local client executable application for decoding a coded short text messaging system message (see column 9, lines 13-15 and 47-51);
- receiving the coded short text messaging system message from a content provider via the wireless communication subsystem (see column 6, lines 20-22 and column 9, lines 47-51), wherein the coded short text messaging system message comprises compressed data not understandable to a user of the mobile terminal (see column 2, lines 37-39 and 49-53);
- the local client executable application decoding the received short text messaging system message to translate the received data into a human understandable format (see column 6, lines 22-26 and column 9, lines 47-51); and
- displaying the decoded information on the display screen (see column 6, lines 27-

29 and column 10, lines 6-8).

The digital mobile station of document D2 (see column 8, lines 26-29 and figure 3) is also configured to load an application for decoding SMS messages (see column 8, lines 42-50), to receive a coded SMS message (see column 9, lines 3-8) and to decode the received message into graphic data (see column 9, lines 33-41), that can obviously be subsequently displayed on the display (see column 6, lines 45-49).

The mobile terminal of document D3 (see page 7, line 33-page 8, line 14 and figure 2) is adapted to load an application for decoding SMS messages (see page 9, lines 6 and 7), to receive a coded SMS message (see page 8, lines 16-20 and 30-33), to decode the received message (see page 9, lines 8-22) and to display the decoded information on the display screen (see page 8, lines 21, 22 and page 9, lines 24-26).

As a consequence, the subject-matter of claim 1 is not new (Article 33(2) PCT) with respect to the disclosure of documents D1 and D3 and does not involve an inventive step (Article 33(3) PCT) with respect to the disclosure of document D2 combined with the general technical knowledge of the skilled person and, therefore, does not meet the requirements of Article 33(1) PCT.

- 3.2 Document D4, regarded as being the closest prior art to the subject-matter of **claim 10**, discloses a client application in the form of computer executable instructions (see page 7, lines 11-14 and figure 2, reference sign 66) that, when executed, causes a mobile terminal (see figure 2, reference sign 20) to perform a method for receiving information relating to a selected topic, comprising
- displaying a plurality of menus to allow the user to identify desired information regarding which the user would like to remain updated (see page 19, lines 1-6).
 - generating a coded (see, e.g., page 7, lines 1-7 and page 8, lines 1-7) short text messaging system message based on the user's selection (see page 19, lines 6-8); and
 - outputting the short text messaging system message (see page 19, lines 6-8) for sending to a content provider (see figure 9, reference signs 14A, 14B, ... 14n) associated with the client application via a wireless telecommunications network (see page 18, lines 20-32).

The step of "querying a user of the mobile terminal to select one of a push or pull mode of operation" corresponds to the well-known function selection in a mobile

terminal using hierarchical menus of the terminal's user interface.

Finally, the inclusion into the request message of additional indications relating to update criteria and number of desired messages is obvious to the skilled person, particularly in view of the disclosure of documents D5 (see page 8, lines 16-28 and page 10, line 25-page 11, line 8) and D8 (see page 6, lines 15 and 16).

As a consequence, the subject-matter of claim 10 does not involve an inventive step in the sense of Article 33(3) PCT with respect to the disclosure of document D4 combined with the general technical knowledge of the skilled person and, therefore, does not meet the criteria of Article 33(1) PCT.

- 3.3 Document D4 discloses, in accordance with the wording of independent **claim 19**, a method for distributing selected information to a user of a mobile terminal, comprising
- receiving a first message originating from the mobile terminal sent over an asynchronous connectionless-based channel, wherein the first message comprises coded data indicating information desired by the user (see page 19, lines 6-8);
 - querying a content provider database for the desired information (see page 19, lines 14-17);
 - generating a second message comprising coded data (see, e.g., figure 5) corresponding to the information desired by the user (see page 19, lines 18-20); and
 - sending the second message to the mobile terminal over the asynchronous connectionless-based channel (see page 19, lines 18-20).

The subject-matter of claim 19 is also disclosed in document D5, namely receiving a coded message from a mobile terminal (see page 8, lines 16-28), querying a content provider database for the desired information (see page 9, line 20-page 10, line 12), generating and sending a coded (see page 11, line 24-page 12, line 2) message with the desired information (see page 11, lines 21-24).

Finally, document D6 also discloses receiving a coded (see column 16, lines 35-38) message from a mobile terminal (see column 15, lines 43-45), querying a content provider database (see figure 2, reference sign 43a) for the desired information (see column 20, lines 66 and 67), generating and sending a coded (see column 16, lines 35-38) message with that information (see column 20, line 67-column 21, line 4).

Therefore, the subject-matter of claim 19 is not new (Article 33(2) PCT) with respect to the disclosure of documents D4, D5 and D6 and, hence, does not meet the requirements of Article 33(1) PCT.

- 3.4 Document D7, regarded as being the closest prior art to the subject-matter of **claim 25**, discloses a method of providing information via a channel (see "information service" on page 9, lines 13 and 14) to a mobile device, comprising the steps of
- receiving payment from a first user (see, e.g., page 11, lines 1-8) for a predetermined number of messages (see "10 messages @ \$5.00" on page 9, lines 5-8);
 - updating a database (see figure 1, reference sign 110) based on the predetermined number of messages for which payment was received (see page 9, lines 5-8);
 - sending a plurality of messages to a mobile device associated with the user from whom payment was received, until the predetermined number of messages has been fully utilized (see page 9, line 34-page 10, line 2).

Apparently, the messages sent by the system of document D7 will be received and decoded by the SMS application present in every GSM terminal.

The subject-matter of claim 25, therefore, differs from this method in that the additional step of "advertising for sale a predetermined number of coded messages corresponding to a predetermined event" precedes the step of receiving payment.

The problem to be solved by the present invention may, therefore, be regarded as that of informing potential users about the offered information service.

Document D5 discloses a method of delivering news updates to mobile devices, wherein a predetermined number of messages (see claim 9) corresponding to a predetermined event (see page 8, lines 8-15) is advertised in a printed publication or a web page (see claims 16-18) and the system keeps track of the number of sent messages (see page 10, lines 13-24).

Therefore, the skilled person, when faced with the aforementioned problem, would realise that document D5 discloses an efficient way of solving that problem and would combine documents D7 and D5, thus arriving at the definition of present claim 25.

As a consequence, the subject-matter of claim 25 does not involve an inventive step in the sense of Article 33(3) PCT with respect to the combination of documents D7 and D5 and, thus, does not meet the criteria of Article 33(1) PCT.

- 3.5 Dependent claims 2-9, 11-18, 20-24 and 26 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Articles 33(2) and (3) PCT):
- claim 2:** The use of a plurality of short codes is also disclosed in document D1 (see column 3, lines 13-21 and column 4, lines 3-22).
 - claim 3:** Adaptation to the language of the user is also considered in document D1 (see column 11, lines 21-29).
 - claim 4:** Transmission of graphical information is disclosed in document D2 (see column 6, lines 9-12).
 - cl. 5,9:** Executable code and Java are normal selections for writing an application, that the skilled person would consider, as is also recognised on page 9, paragraph [38] of the description of the current application.
 - claim 6:** Document D3 discloses the steps of receiving update information (see page 12, lines 30-36), decoding and displaying it (see page 10, line 35-page 11, line 3), as well as flushing from the memory received information (see page 12, line 36-page 13, line 4).
 - cl. 7,8:** The messages in documents D1 (see column 1, lines 22-24) and D3 (see page 7, lines 13-19) may also be SMS messages.
 - claim 11:** Step (iii) corresponds to the selection of the desired information described on page 19, lines 1-6 in document D4, while steps (iv) and (v) are identical to steps (ii)b and (ii)c of the method of claim 10.
 - cl. 12,13:** Reception and decoding (deformatting) of SMS messages is also disclosed in document D4 (see, in particular, figures 3 and 5, as well as page 8, lines 9-27 and page 11, line 1-page 14, line 6).
 - cl. 14-16:** Short codes (tags) for encoded media information are also used in document D4 (see, e.g., page 11, line 1-page 14, line 6).
 - claim 17:** The reception of graphics is also foreseen in document D4 (see page 9, lines 26-29 and page 11, lines 7-9).
 - cl. 18,22:** The short text messaging systems of documents D4 (see page 5, lines 5-15) and D6 (see column 13, lines 24-27) comprise SMS.
 - claim 20:** The inclusion into the request message of additional indications relating to update criteria and number of desired messages is obvious to the skilled person, as explained under point 3.2 above.

- claim 21:** Generating and sending messages when the set criteria are met, as well as keeping track of the number of sent messages is disclosed in document D5 (see page 10, lines 3-24).
- claim 23:** Prepayment of the desired number of messages is disclosed in document D7 (see page 9, lines 5-8) and D8 (see page 8, line 7 and claim 1), while reverse billing of the mobile terminal is disclosed in document D4 (see page 19, lines 29-32 and page 21, lines 17-20).
- claim 24:** The message sent to the mobile terminal in documents D4 (see page 14, line 31-page 15, line 18) and D6 (see column 11, lines 64-67) may be a long (concatenated) SMS.
- claim 26:** Sending all messages corresponding to the predetermined event is foreseen in document D5 (see page 10, line 25-page 11, line 20).

As a consequence, the subject-matter of claims 2, 3, 6-8, 22 and 24 is not new in the sense of Article 33(2) PCT, while that of claims 4, 5, 9, 11-18, 20, 21, 23 and 26 does not involve an inventive step in the sense of Article 33(3) PCT.

Re Item VII

4. The following defects are to be noted.
- 4.1 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in documents D1-D7 is not mentioned in the description, nor are these documents identified therein.
- 4.2 Independent claims 1, 10, 19 and 25 are not in the two-part form in accordance with Rule 6.3(b) PCT, with those features known in combination from the prior art (documents D1-D7) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 4.3 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Re Item VIII

5. The following deficiencies with regard to Article 6 PCT are to be observed.
- 5.1 The feature "memory storing computer executable instructions that ... cause the mobile terminal to..." defined in the apparatus of **claim 1** relates to a method of using the apparatus rather than clearly defining the apparatus in terms of its technical features. The intended limitations are therefore not clear from this claim, contrary to the requirements of Article 6 PCT.
- 5.2 The numbering of the method steps in **claim 12** is identical to that of the method steps of claim 11, upon which that claim depends. Thus, the order in which the method steps are to be performed and, as a consequence, the subject-matter of claim 12 are unclear (Article 6 PCT).
- 5.3 The terms "microband channel" and "microband messages" used in **claim 25** are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claim unclear (Article 6 PCT). Neither do these terms have a well-recognised meaning nor are they clearly defined in the description. As a consequence, the word "microband" has been omitted from the discussion of claim 25 under point 3.4 above.
- 5.4 The vague and imprecise statement in the description on page 16, paragraph [60] implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.